

APPEAL NO. 023285
FILED FEBRUARY 4, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 10, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____; that the respondent (self-insured) is relieved of liability under Section 409.002 because the claimant failed to timely notify the self-insured of his claimed injury under Section 409.001; that the claimant has not had disability; that the claimant is not barred from pursuing Texas workers' compensation benefits because of an election to receive benefits under his group insurance; and that the self-insured has not waived its right to contest compensability of the alleged injury because it contested the claimant's alleged injury in accordance with Section 409.021. The claimant appeals the hearing officer's determinations on the issues of compensable injury, timely notice of injury, disability, and carrier waiver. The self-insured requests affirmance of the hearing officer's decision in its response. There is no appeal of the hearing officer's determination on the issue of election of remedies.

DECISION

The hearing officer's decision is affirmed.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10), that he gave timely notice of the injury to the self-insured employer as required by Section 409.001(a), and that he has had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determinations on the disputed issues of compensable injury, disability, notice of injury, and carrier waiver under Section 409.021 are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). We also conclude that the claimant has not shown reversible error in the admission of Self-Insured's Exhibit Nos. 12 and 13, which are the date stamped copies of the Payment of Compensation or Notice of Refused/Disputed Claim (TWCC-21) forms, over the claimant's objection as to untimely exchange of those exhibits. See Texas Workers' Compensation Commission Appeal No. 010696, decided April 26, 2001, and Texas Workers' Compensation Commission Appeal No. 012101-s, decided October 22, 2001.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MAYOR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Gary L. Kilgore
Appeals Judge